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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-164

13 **GARY DALE YOUNG**
801 White Point Road
14 Niceville, Florida 32578

ACCUSATION

15 Registered Nurse License No. 583308

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of
22 Consumer Affairs.

23 2. On or about July 12, 2001, the Board issued Registered Nurse License
24 Number 583308, to Gary Dale Young ("Respondent"). The license was in full force and effect at
25 all times relevant to the charges brought herein, and expired on May 31, 2003, and has not been
26 renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 2750 provides, in
3 pertinent part, that the Board may discipline any licensee, including a licensee holding a
4 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
5 2750) of the Nursing Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
8 against the licensee or to render a decision imposing discipline on the license. Under Code
9 section 2811(b), the Board may renew an expired license at any time within eight years after the
10 expiration.

11 **STATUTORY PROVISIONS**

12 5. Code section 2761(a) states, in pertinent part, that the board may take
13 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
14 license for unprofessional conduct.

15 6. Code section 2762 states:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
18 for a person licensed under this chapter to do the following:

19 (a) Obtain or possess in violation of law, or prescribe, or except as
20 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
21 himself or herself, or furnish or administer to another, any controlled substance as
22 defined in Division 10 (commencing with Section 11000) of the Health and Safety
23 Code or any dangerous drug or dangerous device as defined in Section 4022.

24 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
25 unintelligible entries in any hospital, patient, or other record pertaining to the
26 substances described in subdivision (a) of this section.

27 **COST RECOVERY**

28 7. Code section 125.3 provides, in pertinent part, that the Board may request
the administrative law judge to direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

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DRUGS

8. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate, also known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.

FIRST CAUSE FOR DISCIPLINE

(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)

9. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2762(e), in that between December 8, 2001, and March 3, 2002, while employed by Medical Express Traveling Nurse Registry located in Louisville, Colorado, Respondent was assigned to work in the emergency room as a registered nurse at Central Valley General Hospital, Hanford, California. Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the following respects:

Patient 290-723:

a. On or about December 8, 2001, at 2300 hours, Respondent signed out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the disposition of the Vicodin in any hospital or patient record.

Patient 290-747:

b. On or about December 10, 2001, at 0400 hours, Respondent signed out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the disposition of the Vicodin in any hospital or patient record.

Patient 291-213:

c. On or about December 26, 2001, at 0300 hours, Respondent signed out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the disposition of the Vicodin in any hospital or patient record.

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1 **Patient 260-955:**

2 d. On or about January 5, 2002, at 2340 hours, Respondent signed
3 out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the
4 disposition of the Vicodin in any hospital or patient record.

5 **Patient 271-226:**

6 e. On or about January 6, 2002, at 2350 hours, Respondent signed
7 out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the
8 disposition of the Vicodin in any hospital or patient record.

9 **Patient 206-550:**

10 f. On or about January 20, 2002, at 2000 hours, Respondent signed
11 out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the
12 disposition of the Vicodin in any hospital or patient record.

13 **Patient 210-495:**

14 g. On or about January 28, 2002, at 1945 hours, Respondent signed
15 out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the
16 disposition of the Vicodin in any hospital or patient record.

17 **Patient 247-897:**

18 h. On or about February 19, 2002, at 2150 hours, Respondent signed
19 out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the
20 disposition of the Vicodin in any hospital or patient record.

21 **Patient 239-925:**

22 i. On or about February 27, 2002, at 0700 hours, Respondent signed
23 out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the
24 disposition of the Vicodin in any hospital or patient record.

25 **Patient 269-324:**

26 j. On or about March 2, 2002, at 1925 hours, Respondent signed
27 out two (2) Vicodin tablets without a physician's order, and failed to chart the disposition of the
28 Vicodin in any hospital or patient record. Furthermore, the patient was discharged at 1920 hours.

Patient 269-459:

k. On or about March 2, 2002, at 1930 hours, Respondent signed out four (4) Vicodin tablets, but failed to chart the disposition of the Vicodin in any hospital or patient record. Furthermore, the physician's order called for two (2) Vicodin tablets.

Patient 267-129:

l. On or about March 2, 2002, at 2045 hours, Respondent signed out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the disposition of the Vicodin in any hospital or patient record.

Patient 242-616:

m. On or about March 3, 2002, at or about 0100 hours, Respondent signed out one (1) six pack of Vicodin tablets without a physician's order, and failed to chart the disposition of the Vicodin in any hospital or patient record. Furthermore, the patient was discharged on March 2, 2002, at 2310 hours.

SECOND CAUSE FOR DISCIPLINE

(Obtained and Possessed Controlled Substances)

10. Respondent is subject to discipline pursuant to Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2762(a), in that between December 8, 2001, and March 3, 2002, while employed by Medical Express Traveling Nurse Registry located in Louisville, Colorado, Respondent did the following:

a. Obtained Vicodin, a controlled substance, by fraud, deceit, misrepresentation or subterfuge or by the concealment of a material fact, in violation of Health and Safety Code section 11173(a), as follows:

i. Respondent signed out Vicodin without a physician's order, as more particularly set forth above in paragraph 9(a) through (j), (l), and (m).

ii. Respondent signed out Vicodin in excess of the amount authorized by the physician's order, as more particularly set forth above in paragraph 9(k).


b. Possessed Vicodin, a controlled substance, in violation of Code section 4060, in that Respondent did not have a prescription for that controlled substance.

1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Revoking or suspending Registered Nurse License Number 583308, issued
5 Gary Dale Young;
- 6 2. Ordering Gary Dale Young to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
8 125.3; and,
- 9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 9/15/09

11 
12 LOUISE R. BAILEY, M.ED., RN
13 Interim Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant

17 SA2007102367
18 Accusation (kdg) 2/5/09

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